

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL CONNSERO,

Plaintiff,

vs.

WARDEN JAMES YATES, CAPTAIN
E. BEELS, LT. D. FISHER, J. RIVERO,
C.O. M. EVANS,

Defendants.

No. C 06-6669 JSW (PR)

ORDER OF DISMISSAL
PURSUANT TO 28 U.S.C. §
1915(g)

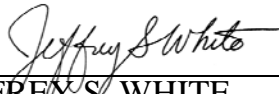
Plaintiff, a state prisoner currently incarcerated at Salinas Valley State Prison and a frequent litigant in the federal courts, has filed a pro se complaint under 42 U.S.C. § 1983 alleging the use of excessive force by Defendants Rivero and Evans. On April 12, 2007, the Court ordered Plaintiff to show cause why the complaint should not be dismissed based on 28 U.S.C. § 1915(g). In the order, the Court identified the prior cases that constitute applicable prior convictions and informed Plaintiff that he could avoid dismissal by paying the full \$350.00 filing fee by the deadline. On May 16, 2007, Plaintiff filed a response to the Court's order.

In his response to the order to show cause, Plaintiff does not address the basis for his prior dismissals as required by the Court's order, but instead requests the Court to continue the action because he alleges that Defendants have violated

1 his rights under the Eighth Amendment. However, this Court has no authority to
2 ignore the mandates of the Prison Litigation Reform Act, which requires
3 dismissal here. As such, the case is DISMISSED without prejudice to Plaintiff
4 bringing his claims in a paid complaint. The Clerk shall enter judgment and close
5 the file.

6 IT IS SO ORDERED.

7 DATED: May 23, 2007



JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL CONNSERO,
Plaintiff,

Case Number: CV06-06669 JSW

CERTIFICATE OF SERVICE

v.


JAMES YATES et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 23, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Connsero H-04102
Salinas Valley Prison
P.O. Box 1050
Soledad, CA 93960-1050

Dated: May 23, 2007


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk